

Date 09/25/08



Environmental Management Consolidated Business Center (EMCBC)

Subject: EMCBC Workplace Violence Prevention Policy

POLICY

 APPROVED: (Signature on File)
 EMCBC Director

ISSUED BY: OFFICE OF LOGISTICS MANAGEMENT

1.0 POLICY

The Environmental Management Consolidated Business Center (EMCBC) is committed to providing a safe work environment for all of its employees, on-site contractors, and visitors. Our personnel are one of our most important assets and it is our legal and ethical responsibility to protect them by providing a safe work environment. A safe working environment includes freedom from not only safety hazards, but also from harassment, intimidation, violence, threats of violence and/or any other disruptive behavior. While acts of this nature are not common at the EMCBC, we must make it clear that this type of behavior is never acceptable and will not be tolerated.

This policy is designed to assert EMCBC's position on providing a safe working environment for the protection of all employees, on-site contractors, and visitors. An additional tool in the form of a Workplace Violence Information Guide will be developed by key EMCBC subject matter experts to assist managers, specialists and all employees who may confront workplace violence issues.

Fundamentally, any threat, act of violence, harassment, intimidation and/or any other disruptive and inappropriate behavior in our work place, or directed at our personnel will not be tolerated. Any suspected or reported incident will be taken very seriously and will be dealt with accordingly. Examples of inappropriate and disruptive behavior can include, but are not limited to: intimidating oral or written statements (including voice mail and email messages), gestures, and/or expressions that communicate a direct or indirect threat of physical harm or which could reasonable create emotional distress/harm (bullying, stalking). Individuals who commit such acts may be removed from the premises immediately, and may be subject to disciplinary action, criminal proceedings, or both.

In order for us to make this policy effective and in an effort to maintain a safe working environment, we need your cooperation. Do not tolerate or ignore inappropriate and disruptive behaviors. If you observe or experience inappropriate and disruptive behavior by anyone on agency premises, whether he or she is an EMCBC employee or not, report it immediately to a supervisor, manager, the Office of Human Resources (OHR), or the Office of Civil Rights and Diversity (OCD). Together, we can continue to keep the EMCBC a safe and productive place to work.

NOTE: Threats or assaults of a critically urgent nature, requiring immediate intervention, should rapidly be reported to local law enforcement officials by dialing 911. Questions regarding this policy can be directed to the Assistant Director, Office of Logistics Management at (513) 246-0077.

2.0 SCOPE

This policy addresses workplace violence awareness and reporting. It is established in an effort to help prevent workplace violence and is intended for the EMCBC and any Service Level Agreement sites that choose to adopt this policy. It identifies individual employee reporting responsibilities pertinent to all EMCBC employees and support service contractor personnel regardless of where they are assigned.

3.0 APPLICABILITY

This policy applies to all DOE EMCBC employees working at the EMCBC Chiquita Center facility and EMCBC employees who physically work at an alternate location, but are supervised by an EMCBC employee and serviced by the EMCBC's Human Resources Office. This policy also applies to the employees at EMCBC Service Level Agreement sites that choose to adopt this policy.

4.0 REQUIREMENTS

4.1 Requirements:

- 4.1.1 29 U.S. Code (USC), Section 654, "Duties of employers and employees"
- 4.1.2 Title 29, Code of Federal Regulations (CFR), Part 1960.1(a), "Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters"
- 4.1.3 DOE O 440.1B, "Worker Protection Management for DOE (Including National Nuclear Security Administration) Federal Employees"
- 4.1.4 DOE 3750.1, Workforce Discipline
- 4.1.5 Title 5, Code of Federal Regulations, Part 752, Adverse Actions

4.2 References:

- 4.2.1 EMCBC Policy Statement PS-311-02, Rev 1, Policy Against Sexual Harassment and Other Forms of Unlawful Harassment
- 4.2.2 Office of Personnel Management's "Dealing with Workplace Violence: A Guide for Agency Planners"
- 4.2.3 PD-311-05, Rev 1, Employee Concerns Program

5.0 DEFINITIONS

- 5.1 Alternative Dispute Resolution – A variety of processes used to resolve disputes through the use of a neutral third party in an attempt to avoid judicial or administrative litigation. Forms of alternative dispute resolution include conciliation, facilitation, mediation, partnering, ombudsmanship, neutral evaluation, nonbinding arbitration, binding arbitration and mini-trial.
- 5.2 Disciplinary Action – Disciplinary action may include, but is not limited to: warning, reprimand, alternative discipline, suspension, reduction-in-grade, or removal from Federal service. Determination of the appropriate disciplinary action will be made on a case-by-case basis in accordance with DOE Order 3750.1 “Work Force Discipline.”
- 5.3 Employee Assistance Program (EAP) – Employee Assistance Program staff provides short-term counseling and referral services to employees at no cost. The EAP staff consists of professional counselors who are available to discuss problems that can adversely affect job performance, conduct and reliability. Employees who seek EAP services are afforded considerable privacy by laws, policies and the professional ethics of the EAP professionals.
- 5.4 Inappropriate and Disruptive Behavior – Unprofessional and disrespectful behavior may include, but is not limited to, rudeness, ignoring others, speaking to others in a sarcastic tone, shouting, arguing, and/or making demeaning or derogatory remarks to or about others. Additionally, any behavior that reasonably frightens an employee is deemed to be inappropriate and disruptive.
- 5.5 Intimidation – Any action taken by an individual(s) against or toward an employee to cause said employee to cease engaging in protected activities; to be fearful of engaging in protected activities; or to otherwise be afraid for his/her safety, reputation, or job security.
- 5.6 Protected Activity – Activities such as raising concerns or otherwise making disclosures, protected under law, regulations, or legal precedent of information related to DOE operations, which the individual reasonably and in good faith believes is evidence of unsafe, unlawful, fraudulent, or wasteful practices.
- 5.7 Workplace Violence – The deliberate and wrongful violation, damage, or abuse of other persons, one’s self, or property and may include, but certainly is not limited to threats of violence and/or actual acts of physical violence, harassment, intimidation, and other disruptive behavior. Such behavior may include intimidating oral or written statements including voicemail and email; and gestures or expressions that communicate a direct or indirect threat of physical harm.

6.0 RESPONSIBILITIES

- 6.1 Employees – All employees are responsible for cooperating with EMCBC management in maintaining a safe work environment. Persons who are subject to, witness or suspect an incidence of workplace violence are obligated to report the

event to their supervisor, a manager, the OHR or the OCRD. Reports made to OCRD may also be made anonymously using the Employee Concerns Program. In critically urgent situations, as noted in Section 1, there is a responsibility to call 911.

- 6.2 Office of the Director – Support efforts made by supervisors, managers and agency specialists in dealing with violent, threatening, harassing, intimidating or disruptive behavior in the workplace. Monitor policy implementation to ensure effectiveness.
- 6.3 Supervisors/Manager's – Responsible for seeking advice and support from OHR when initiating action in response to an incident. Conduct fact finding regarding reported incidents, or ensure such fact finding is completed by the appropriate party. Consulting with applicable subject matter experts and technicians in OCRD, Office of Legal Services and or the Office of Logistics (Safety, Security & Emergency Management), as appropriate in response to an event or incident.
- 6.4 Office of Human Resources – Provide subject matter expertise with issues of workforce discipline, including as appropriate; Fact Finding, Employees Assistance Program referral and other related functional support.
- 6.5 Office of Civil Rights and Diversity – Provide notification to supervisors of incidents reported through the Employee Concerns Program and provide subject matter expertise in assisting to resolve and respond to incidents within the functional organizational role.
- 6.6 Office of Legal Services – Provide subject matter expertise to supervisors, managers and other EMCBC functional organizations in supporting fact finding and incident response.
- 6.7 Office of Logistics Management – Provide subject matter expertise in the fields of Security, Emergency Management and Safety and provide a lead role with the maintenance of the Workplace Violence Prevention Policy and related activities.

7.0 GENERAL ADMINISTRATION

- 7.1 Employees should not attempt to intervene if an event occurs that is immediately dangerous to life (for example, a weapon has been observed). Employees should leave the vicinity and notify 911. For all other events, the supervisor/manager should be notified.
- 7.2 Anonymous reporting may be accomplished through the EMCBC Employee Concerns Program Hotline by dialing (513) 246-0025. Please refer to the EMCBC Employee Concerns Program Policy, PD-311-05, Rev. 1 for reporting requirements of the Hotline. Please bear in mind that anonymous reports may not be able to be investigated fully or thoroughly.

- 7.3 Records generated from reporting and investigating potential workplace violence that are not official Employee Concerns Case Files may be subject to the Privacy Act and will be managed by the Office of Human Resources as DOE EMCBC Workplace Violence Concern Program files under disposition authority ADM 1.43b(1), Security related concerns.”

EMCBC RECORD OF REVISION**DOCUMENT**

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Original	All	09/25/08

CONTROLLED DOCUMENT CHANGE REQUEST	
DATE: <u>09/08/08</u>	
INITIATOR: <u>Tim Marcus</u>	
INITIATOR PHONE NUMBER: _____	
DOCUMENT AFFECTED: <u>PS-440-02</u>	
SECTION: _____	PARAGRAPH #: _____
CONTROLLED NUMBER : _____	PARAGRAPH #: _____
NEW CONTROLLED NUMBER: _____	
PROPOSED REVISION: _____ _____ _____	
JUSTIFICATION: <u>Set policy in place.</u> _____ _____ _____	
Requested by: <u>T. J. Jackson</u>	DATE: _____
Approval: _____ Associate Director	DATE: _____
Assigned to: <u>Tim Marcus</u>	DUE DATE: _____

Document Review Record Sheet				
Document Title	EMCBC Workplace Violence Prevention Policy			
Control Number PS-440-02	Revision No. 1	Date Issued for Review 09/08/08		
The subject document is being submitted for your review, approval or comments. Since this review is controlled, a response is required from all reviewers. Therefore, please return the review sheet with or without comments				
To: L. Chafin	Extension: 60461	By:		
Additional Instructions:				
Reviewer	Approve	Approve w/Comments	Do Not Approve	Signature of Reviewer
B. Fain				
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APPROVE: Signifies the reviewer's acceptance of the document issued for review.				
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General Review Comments:				
When review is delegated, the designated reviewer shall review and indicate concurrence with the designee's review comments and recommend disposition:				
Designated Reviewer	Concur	Do Not Concur	Signature	Date